THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26050 OF 2006

Date: 15-12-2006

Between:

1. Smt Karri Swathi, w/o Sunil,
   aged 32 years, r/o 22-73-22/7,
   near Sitaramaswamy temple street,
   Visakhapatnam-1 and another.

... Petitioners.

And

1. The Greater Visakhapatnam Municipal
   Corporation, Visakhapatnam, rep. By its
   Commissioner and another.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Heard Sri V.V.N.Narayana Rao, learned counsel representing the petitioners and also Sri N.Ranga Reddy, learned Standing Counsel who had taken notice on behalf of respondents.

2. The writ petition is filed for a writ of Mandamus declaring notice UC.No.20/05/TPS-II, dated 28.10.2005, issued by the respondents, as illegal, arbitrary and violaltive of Article 300-A of the Constitution of India and pass such other suitable orders.

3. As can be seen from the notice impugned, the said notice was issued by Gajuwaka Municipality. The main grievance of the

petitioners is that though explanation was submitted, without considering the explanation or the objections raised in this regard, there is a threat of demolition.

4. In view of the facts and circumstances, the impugned notice be treated as show cause notice and the petitioners are given liberty to file fresh explanation or fresh objections before the second respondent within two weeks from the date of receipt of this order and the second respondent to consider such objections or explanation in accordance with law and pass appropriate orders. It is needless to say that till this exercise is made, *status quo* obtaining as on today to be maintained.

5. The writ petition is disposed of accordingly. No costs.

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P.S.NARAKYLANA, J.

Date: 15th December 2006.

Note:
Issue order copy by wire
at party's costs.
//B.O.//
BSB